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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,589	03/08/2006	Alain Mazuir	0608-1007	2276

466 7590 02/03/2009  
YOUNG & THOMPSON  
209 Madison Street  
Suite 500  
ALEXANDRIA, VA 22314

EXAMINER
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FERNANDEZ, KATHERINE L

ART UNIT	PAPER NUMBER
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3768

MAIL DATE	DELIVERY MODE
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02/03/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,589	<b>Applicant(s)</b> MAZUIR ET AL.	
	<b>Examiner</b> KATHERINE L. FERNANDEZ	<b>Art Unit</b> 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

***Claim Objections***

1. Claims 1, 4 and 13 are objected to because of the following informalities:

With regards to claim 1, in lines 3, 16 and 20, the character "(7)" is not needed and should be deleted. Further, in line 19, it is suggested by the examiner that the phrase "or cause to appear" be deleted.

With regards to claim 4, in lines 3, 5, 15, the character "(7)" is not needed and should be deleted. In line 4, the character "(1)" is not needed and should be deleted. In line 8, the character "(11)" is not needed and should be deleted. Further, in line 18, it is suggested by the examiner that the phrase "or cause to appear" be deleted.

With regards to claim 13, in line 3, the character "(13)" is not needed and should be deleted.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5 and 8-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claim 1, in lines 22-24, the phrase "said amplification of the signal corresponding to the energy received in the second band of frequencies being realized from pixel to pixel of the image sensor" is unclear. It is suggested that the phrase be replaced with the following phrase in order to have the limitation more clearly define the

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invention: "an amount of amplification of the signal corresponding to the energy received in the second band of frequencies of said at least two neighbouring pixels".

With regards to claim 12, in line 20, it is suggested that the phrase "two pixels" be replaced with the phrase "two neighbouring pixels" in order to more clearly define the invention.

With regards to claim 16, in lines 4-6, the phrase "said amplification of the signal corresponding to the energy received in the second band of frequencies being realized from pixel to pixel of the image sensor" is unclear. It is suggested that the phrase be replaced with the following phrase in order to have the limitation more clearly define the invention: "an amount of amplification of the signal corresponding to the energy received in the second band of frequencies of said at least two neighbouring pixels".

With regards to claims 15 and 17, the phrase "wherein the action(act) on signals as received by at least two neighbouring pixels provided with filters of different colours is realized with consultation of the energy received on another neighboring pixel" is unclear. The limitations appear to imply that a 3<sup>rd</sup> (i.e. "another neighboring pixel") is involved in the consultation, whereas certain other claims (i.e. 13, 14) and the specification appear to disclose that a first of said neighboring pixels is used to determine how to use information from the second neighboring pixel for the amplifying step.

#### ***Allowable Subject Matter***

4. Claims 1-5 and 8-17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach or suggest amplifying a signal corresponding to energy received in a second band of frequencies so as to characterize a difference of biological tissue in an image obtained, by acting on signals as received by at least two neighboring pixels provided with filters of different colors, an amount of amplification of the signal corresponding to the energy in the second band of frequencies of said at least two neighboring pixels in combination with the other claimed elements.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHERINE L. FERNANDEZ whose telephone number is (571)272-1957. The examiner can normally be reached on 8:30-5, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571)272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric F Winakur/  
Primary Examiner, Art Unit 3768